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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,769	09/12/2003	Timothy J. Arguello	22490.00	5776

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EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,769

Applicant(s)

ARGUELLO, TIMOTHY J.

Examiner

Matthew O. Savage

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9-12-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1724

Applicant's election with traverse of species1 in the reply filed on 3-28-05 is acknowledged. The traversal is on the ground(s) that both species should be examined together since applicant is entitled to a reasonable number of related embodiments and because both species have a common field of search. This is not found persuasive because: the species are not considered to be closely related to one another since they include mutually exclusive features, for example, species 1 includes a restricted flow branch pipe, unrestricted flow branch pipe, and three in-line chemical filters not included in species 2, and species 2 includes an unrestricted gray water inlet line, a pressure switch, reservoir for treated water, and drain valve not included by species 1; the species do not have a common field of search, for example, species 1 requires a search in 210/254 while species 2 does not, and species 2 requires a search in 210/114 while species 1 does not.

The requirement is still deemed proper and is therefore made FINAL.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the microcomputer recited in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

Art Unit: 1724

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to adequately disclose how the microcomputer controls the recycling system. In particular, no particular control scheme for operating elements of the system has been adequately disclosed in the specification.

Art Unit: 1724

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leek, Jr. in view of McIntosh, Ramirez et al, and Simon.

The preamble of claim 1 recites "A microcomputer controlled system for recycling washing machine gray water effluent to irrigation and an outside toilet". Accordingly, it is assumed that applicant is claiming only the system for handling the gray water and is not positively claiming the washing machine, washing machine effluent, outside toilet, and water sprinkler system mentioned in the claim.

With respect to claim 1, Leek, Jr. discloses large gray water tank 35, three in-line chemical filters 57, 59, and 61 (e.g., since they are capable of filtering a solution including chemicals in the form of close washing detergents and soaps) filtering the flow gray water, an ultraviolet radiation device 62 radiating the filtered gray, an external switch pump 53, and a 67 conduit capable of passing the filtered radiated gray water to a water sprinkler system. Leek, Jr. fails to specify a microcomputer controlling the recycling system. McIntosh discloses that is generally known in the art to control gray water reclamation and reuse systems with a microcomputer (e.g., the microprocessor, which is considered a microcomputer, mentioned in the abstract) and teaches that such an arrangement enables automatic operation of the system. It would have been obvious to have modified the apparatus of Leek, Jr. so as to have included a microcomputer as

Art Unit: 1724

suggested by McIntosh in order enable automatic operation of the system. Leek, Jr. and McIntosh fail to specify a discharge hose attached to the washing machine's drain hose ending in a filter sock inside the tank and a vertical suction tube. Ramirez et al disclose a discharge hose 28 (see FIG. 4) capable of attachment to a washing machine drain hose ending in a filter sock 18 inside the tank and a vertical suction tube 46 (see FIG. 2) and suggests that such an arrangement enables the use of a 55 gallon drum as a large gray water tank (see lines 41-42 of col. 5). It would have been obvious to have modified the combination suggested by Leek, Jr. and McIntosh so as to have included the discharge hose, filter sock, and vertical suction tube as suggested by Ramirez in order to enable the use of a 55 gallon drum as the large gray water tank. Leek, Jr., McIntosh, and Ramirez et al fail to specify a pipe leading from the pump bifurcating unrestricted flow branch pipe, and pressure regulator device on the restricted flow branch form a restricted flow branch pipe. Simon discloses the concept of providing a pipe 12 leading from a source of pressurized water bifurcating to form a restricted flow branch pipe 16 and an unrestricted flow branch pipe 18, and pressure regulator device 32 on the restricted flow branch to form a restricted flow branch pipe (e.g., when the valve is closed) and suggests that such an arrangement enables servicing of the water treatment elements 20, 22, and 24 connected to the restricted flow branch pipe without interrupting the flow of water to a user (see from lines 31-57 of col. 4). It would have been obvious to have modified the combination suggested by Leek, Jr., McIntosh, and Ramirez et al so as to have included the bifurcated pipe arrangement as suggested by

Art Unit: 1724

Simon in order to enable servicing of the water treatment elements without interrupting the flow of water to a use.

Concerning claim 2, Ramirez et al disclose a tank in the form of a fifty-five gallon drum 14 located adjacent to a washing machine 22 (see FIG. 1 and lines 41-42 of col. 5). In addition, the limitation of the drum being located adjacent the washing machine relates to the intended use of an apparatus and carries no patentable weight.

Regarding claim 4, Leek, Jr. disclose a zone valve 71 and Simon discloses an unrestricted branch pipe 18 that joins a restricted branch pipe 16.

Concerning claim 5, Ramirez et al disclose the tank 14 as having an overflow drain pipe 92 and Leek, Jr. discloses the concept of connecting the tank 35 to a drain pipe 49 with an inclined drain overflow pipes 37, 39, and 41. Ramirez et al fail to specify the overflow drain pipe as being inclined downward 10-15 degrees, however, such a modification would have been obvious to one skilled in the art to prevent the reverse flow of water from drain pipe into the tank via the overflow drain pipe.

Concerning claim 6, Leek, Jr. discloses activated carbon (see FIG. 3).

Claims 7-9 relate to intended use and carry no patentable weight since the material being treated is not considered part of the system.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leek, Jr. in view of McIntosh, Ramirez et al, and Simon as applied to claim 1 above, and further in view Petrillo et al.

Art Unit: 1724

Leek, Jr., McIntosh, Ramirez et al, and Simon fail to specify a check valve at an inlet of the vertical tube. Petrillo et al disclose that it is known in the art to provide a check valve 10 at the inlet of a vertical suction tube 11 and teaches that such an arrangement prevents reverse flow through the vertical suction tube thereby facilitating operation an external pump. It would have been obvious to have modified the combination suggested by Leek, Jr., McIntosh, Ramirez et al, and Simon so as to have included a check valve as suggested by Petrillo et al in order to facilitate operation of the external pump 53 suggested by Leek, Jr..

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O. Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Matthew O Savage
Primary Examiner
Art Unit 1724

mos
June 14, 2005